HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII

LIHTC
COMPLIANCE MANUAL

HAWAII TAX CREDIT DOCUMENTS

- a. Declaration of Restrictive Covenants for Low-Income Tax Credits
- **b.** Carryover Allocation
- c. Consolidated Application
- d. Copies of Original, Executed, Signed 8609s
- e. 8823s
- f. Utility Allowance Documentation, updated annually

LIHTC COMPLIANCE MANUAL TABLE OF CONTENTS

1. Introduction to Manual

- 1-1. The Low-Income Housing Tax Credit
- 1-2. Purpose of the Manual
- 1-3. Credit Period
- 1-4. Compliance Period
- 1-5. Four Tax Credit Regulation Periods
- 1-6. Additional Revenue Rulings

2. Compliance Issues

2-1. General Compliance

- A. Allocation Year
- B. Compliance by Building
- C. Placed-in-Service Date
- D. Eligible Basis
- E. Initial Credit Period
- F. Minimum Set-Aside
- G. Qualified LIHTC Unit
- H. Recordkeeping Requirements

2-2. Minimum Set-Aside Election

- 2-3. Income Limits
- 2-4. Qualified Basis & Low Income Occupancy

2-5. Maximum Gross Rent

- A. 1987-89 Projects
- B. 1990 + Projects
- C. Option to Change Pre-1990 Rent Formula
- D. Rent Subsidies
- E. Section 8 Rent
- F. Rural Development Overage

2-6. Utility Allowances

2-7. Additional LIHTC Regulations

- A. Vacant Unit Rule
- B. Available Unit Rule / 140% Rule
- C. Relocating Existing Tenants
- D. Staff Units
- E. Non-transient Occupancy
- F. General Public / Fair Housing
- G. Students
- H. Section 8 Certificates / Vouchers
- I. Suitability of a Unit

3. Determining Tenant Eligibility

- 3-1. Overview
- 3-2. Household Size and Income Limits
- 3-3. Gross Annual Income
- 3-4. Assets
- 3-5. Tenant Application Procedure
- **3-6.** Tenant Income Verification
- **3-7.** Tenant Income Certification
- **3-8.** Lease
- 3-9. Recertification
- 3-10. Annual Recertification Waiver
- 3-11. Qualifying Section 8 Tenants

4. Recordkeeping

- 4-1. LIHTC Recordkeeping
- 4-2. LIHTC Record Retention

5. Noncompliance

- **5-1.** Types of Noncompliance
- 5-2. Recapture of Tax Credits
- 5-3. Liability

6. Forms

- A. Required Forms for Tenant Certification
- **B.** Annual Year-End Forms
- C. Recommended Forms

7. Compliance Monitoring

- 7-1. Fulfilling Compliance Obligations
- 7-2. Physical Inspection of Units

8. General Explanation of the Tax Reform Act of 1986 – Blue Book

9. IRC Section 42

10. IRS Form 8609 With Instructions

11. IRS Final Regulations – Compliance Monitoring

- Effective 01/01/2001
- 12. IRS Revenue Ruling 90-89 (Minimum Set-Aside Requirements)
- 13. IRS Revenue Ruling 92-61 (Treatment of Resident Manager's Unit)

- 14. IRS Revenue Ruling 94-57 (Changes in Medium Gross Income)
- 15. IRS Revenue Procedure 94-57 (Gross Rent Floor)
- 16. IRS Revenue Procedure 94-64 (Waiver of Annual Income Recertification)
- 17. IRS Revenue Procedure 94-65 (Documentation of Income from Assets)
- 18. IRS Notice 88-80 (Income Determination)
- 19. IRS Advance Notice 88-116 (Placement in Service)
- 20. IRS Form 8586; IRS Form 8611; IRS Form 8823
- 21. IRS 26 CFR Part 1 (Available Unit Rule)
- 22. HUD 4350.3 REV-1 Appendix 3: Acceptable Forms of Verification
- 23. HUD 4350.3 REV-1 <u>Chapter 5</u>: Determining Income and Calculating Rent
 - 1. Determining Annual Income
 - 2 Determining Adjusted Income
 - 3. Verification
 - 4. Calculating Tenant Rent
- 24. HUD 4350.3 REV-1 <u>Appendix 15:</u> Verification and Consent—Guidance and Sample Formats
 - 15-A: Guidance for Development of Individual Consent Forms
 - 15-B: Verification of Disability—Instructions to Owners and Sample Formats
 - 15-C: Guidance About Types of Information to Request When Verifying Eligibility and Income
- 25. IRS Memo 200137028 Clarification of Reasonable Attempts
- 26. IRS Section 42-5 Regulations